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if the caller is not required to pay for the call, then [implementing the services for the call] connecting the call to the call destination without validating the caller.

REMARKS

5 Claims 3-6 are pending in the application and stand rejected. Claim 3 is amended to clarify the novelty in Applicant's invention. The undersigned attorney requests a Notice of Allowance in this application in light of the arguments set forth herein. The undersigned attorney requests Examiner Deane to telephone if a conversation could expedite prosecution. Applicants authorize the Commissioner to
10 charge any additionally required payment of fees to deposit account #21-0765

Claim rejection under 35 USC §102.

 Claims 3-4 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,146,491 (Silver). Applicants have carefully reviewed Silver and
15 respectfully traverse the rejection because amended claim 3 includes the following limitations not taught or suggested Silver:

- determining if the caller is required to pay for the call before connecting the call to a call destination;
- 20 • if the caller is required to pay for the call, then validating the caller before connecting the call to the call destination; and
- if the caller is not required to pay for the call, then connecting the call to the call destination without validating the caller.

/ 25 Silver does not teach or suggest the selective validation process, during call setup, based on caller payment to the network of claim 3. The validation process of claim 3 is a check, performed during call setup, to see if the calling party should be allowed to complete the call. (See application page 24, lines 5-12). In the prior art this validation is performed on all calls. The validation process of claim 3 represents a distinct
30 advancement of the art because it eliminates the time consuming validation look up for a significant number of calls. For example, in claim 3, no validation of the caller is

needed where the caller is not responsible for payment to the network for the call, such as in the case of a toll free call where the owner of the toll free number is paying for the call.

Silver teaches a method of billing for a local or toll free call after the call is already connected to the called destination. In the method according to applicant's invention, the caller validation begins during call setup by checking the IAM message to determine if validation is required before the call is connected to any destination. (See App. pg. 23, lines 23-27 and FIG. 7, 8 and 9). Referring to FIG. 7 of the application, if validation is not required at step 720, e.g. the call is toll free and the caller is not responsible for payment to the network, then the requested service, e.g. connecting the call to the called destination, is provided to the call at step 740. Otherwise, validation is performed at step 725, and if authorized at step 730, the requested service, e.g. connecting the call to the destination, is provided to the call at step 740. In Silver, the prior art method of performing applicant's invention is treated as a conventional aspect that is either omitted or is inherent. Thus, in contrast to Silver, in Applicant's invention the selective validation based on caller payment to the network, occurs during the call setup and before service implementation, e.g. call connection.

Rejections under 35 USC §103.

The Office Action rejects claim 5 under 35 U.S.C. §103 as being obvious over Silver in view of U.S. Patent No. 5,163,087 (Kaplan).

Claim 5 cannot be rejected as obvious where independent claim 3 is nonobvious. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claim 5 depends from nonobvious independent claim 3, and therefore, is allowable for the above cited reasons.

Respectfully submitted,

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